

### UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,546	(	07/20/2004	Kimberly Kay Demorotski		4545
45929	7590	10/02/2006		EXA	MINER
KIMBERLY DEMOROTSKI 4408 GOODRICH ROAD				POLLICOF	F, STEVEN B
VALPARAI				ART UNIT	PAPER NUMBER
	ŕ		•	3728	

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Notice of Al	pandonment	10/710,546	DEMOROTSKI, KIMBERLY KAY			
		Examiner	Art Unit			
		Steven B. Pollicoff	3728			
The MAILING DA	TE of this communication ap	pears on the cover sheet with the c	orrespondence address			
This application is abandoned	in view of:					
(a) A reply was received period for reply (include	on (with a Certificate of ling a total extension of time of	ce letter mailed on <u>21 March 2006</u> . Mailing or Transmission dated f month(s)) which expired on _	·			
(b) A proposed reply was	received on, but it does	s not constitute a proper reply under 3	7 CFR 1.113 (a) to the final rejection.			
application in conditio		on consists only of: (1) a timely filed ar ed Notice of Appeal (with appeal fee); ' CFR 1.114).				
	on but it does not const 7 CFR 1.85(a) and 1.111. (See	itute a proper reply, or a bona fide atte e explanation in box 7 below).	empt at a proper reply, to the non-			
(d) 🛛 No reply has been rec	eived.					
	ly pay the required issue fee a ne Notice of Allowance (PTOL	nd publication fee, if applicable, within -85).	the statutory period of three months			
(a) The issue fee and po	ublication fee, if applicable, wa the expiration of the statutory	as received on (with a Certification	ate of Mailing or Transmission dated nd publication fee) set in the Notice of			
· <i>-</i> —	is insufficient. A balan					
The issue fee requir	ed by 37 CFR 1.18 is \$	The publication fee, if required by 37	CFR 1.18(d), is \$			
(c) The issue fee and pub	olication fee, if applicable, has	not been received.				
<ol> <li>Applicant's failure to timel Allowability (PTO-37).</li> </ol>	y file corrected drawings as red	quired by, and within the three-month	period set in, the Notice of			
(a) Proposed corrected d after the expiration of		(with a Certificate of Mailing or Trar	nsmission dated), which is			
(b) No corrected drawing	(b) ☐ No corrected drawings have been received.					
<ol> <li>The letter of express aba the applicants.</li> </ol>	ndonment which is signed by t	he attorney or agent of record, the ass	ignee of the entire interest, or all of			
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.						
6. The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.						
7. X The reason(s) below:						
Applicant insists she ne	ever received an office action	on dated 3/21/06 from the PTO.				
A Hachment: Of	tice Action wi	th references,	J. M.N			
Ori	fice Action wi ginally mailed 21	March 2006.	JILA M. MOHANDESI PRIMARY EXAMINER			
Petitions to revive under 37 CFR 1		Iraw the holding of abandonment under 37	CFR 1.181, should be promptly filed to			

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#### **Abandonment**

No Applicant reply to the Office Action of 3/21/06 was received in the Patent and Trademark Office within the period for reply set in the last Office Action. Since no time remains for applicant to obtain an extension of the period for reply by filing a petition under 37 CFR 1.136(a), this application is *abandoned*. Applicant is advised that the abandonment of this application **may only be overcome** by filing a petition to revive under 37 CFR 1.137. A petition to revive may be appropriate if applicant's failure to reply was either **unavoidable** or **unintentional**, as set forth below. However, Examiner encourages Applicant to first **contact Jessica Harrison** (571-272-4449) in the Office of Petitions to discuss her particular situation (i.e. not receiving the mailed office action dated 3/21/06).

#### A. Failure to reply was unavoidable.

A petition to revive an abandoned application on the grounds that the failure to reply was unavoidable (37 CFR 1.137(a)) must be accompanied by: (1) the required reply (which has been filed); (2) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(d); and (4) the \$250 petition fee as set forth in 37 CFR 1.17(l). No consideration to the substance of a petition will be given until this fee is received.

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The showing requirement can be met by submission of statements of fact establishing that the delay in filing the reply was unavoidable, as well as inadvertent. This must include: (1) a satisfactory showing that the cause of the delay resulting in failure to reply in timely fashion to the Office action was unavoidable; and (2) a satisfactory showing that the cause of any delay during the time period between abandonment and filing of the petition to revive was also unavoidable.

A terminal disclaimer and the terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

#### B. Failure to reply was unintentional.

A petition to revive an abandoned application on the grounds that the failure to reply was unintentional (37 CFR 1.137(b)) must be accompanied by: (1) the required reply (which has been filed); (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(d) (see above discussion); and (4) the \$750 petition fee as set forth in 37

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CFR 1.17(m). No consideration to the substance of a petition will be given until this fee is received. The Director may require additional information where there is a question whether the delay was unintentional.

The required items and fees must be submitted promptly under a cover letter entitled "Petition to Revive."

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition

**Commissioner for Patents** 

P.O. Box 1450

Alexandria, VA 22313-1450

By FAX:

571-273-8300

Attn: Office of Petitions

Telephone inquiries with respect to this matter should be directed to the Office of Petitions Staff at (571) 272-3282. For more detailed information, see MPEP § 711.03(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Pollicoff whose telephone number is (571)272-7818. The examiner can normally be reached on M-F: 7:30A.M.-4:00P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ABY 9/27/06 SBP

JILA M. MOHANDESI PRIMARY EXAMINER AHachment



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Bon 1459 Alexandra, Virginia 22313-1450 www.uppb.gpv

APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,546		07/20/2004 Kimberly Kay Demorotski			4545
45929	7590	03/21/2006		EXAM	INER
KIMBERL			POLLICOFF, STEVEN B		
4408 GOOD VALPARA		* · · ·		ART UNIT	PAPER NUMBER
7,123,1114	,			3728	
				DATE MAILED: 03/21/200	6

Please find below and/or attached an Office communication concerning this application or proceeding.

		Εε
	Application No.	Applicant(s)
	10/710,546	DEMOROTSKI, KIMBERLY KAY
Office Action Summary	Examiner	Art Unit
	Steven B. Pollicoff	3728
<ul> <li>The MAILING DATE of this communic</li> <li>Period for Reply</li> </ul>	ation appears on the cover sheet wi	th the correspondence address –
A SHORTENED STATUTORY PERIOD FO WHICHEVER IS LONGER, FROM THE MA - Extensions of time may be available under the provisions or after SIX (6) MONTHS from the mailing date of this commu - If NO period for reply is specified above, the maximum state - Failure to reply within the set or extended period for reply wany reply received by the Office later than three months after earned patent term adjustment. See 37 CFR 1.704(b).	ALLING DATE OF THIS COMMUNION of 37 CFR 1.138(a). In no event, however, may a runcation. utory period will apply and will expire SIX (6) MON will, by statute, cause the application to become AB	CATION.  eply be timely filed  ITHS from the mailing date of this communication.  JANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed	i on <u>20 July 2004</u> .	
<del>,</del>	b)⊠ This action is non-final.	·
3) Since this application is in condition for closed in accordance with the practice		
Disposition of Claims		
4) ☑ Claim(s) 1 is/are pending in the applic 4a) Of the above claim(s) is/are 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) 1 is/are rejected.		
7) Claim(s) is/are objected to.  8) Claim(s) are subject to restricti	ion and/or election requirement.	
Application Papers		
9)⊠ The specification is objected to by the	Examiner.	
10) The drawing(s) filed on is/are:		by the Examiner.
Applicant may not request that any object		
Replacement drawing sheet(s) including to 11) The oath or declaration is objected to		
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for a) All b) Some * c) None of:		; 119(a)-(d) or (f).
<ul> <li>1. Certified copies of the priority d</li> <li>2. Certified copies of the priority d</li> <li>3. Copies of the certified copies o</li> </ul>	locuments have been received in A	
application from the Internation		
* See the attached detailed Office action		received.
Attachment(s)	A) 🗖 1-A '	Summan (PTO 413)
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTB)</li> <li>Information Disclosure Statement(s) (PTO-1449 or Paper No(s)/Mail Date</li> </ol>	Paper No(	Summary (PTO-413) s)/Mail Date nformal Patent Application (PTO-152) 

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#### **DETAILED ACTION**

#### **Drawings**

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

#### Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

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Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

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#### Arrangement of the Specification

- 3. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:
  - (a) TITLE OF THE INVENTION.
  - (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
  - (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
  - (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
  - (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A

    COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer

    program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)),

    and tables having more than 50 pages of text are permitted to be

    submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.

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(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (I) SEQUENCE LISTING (See MPEP'§ 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

#### **Content of Specification**

- a. <u>Title of the Invention</u>: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) <u>Cross-References to Related Applications</u>: See 37 CFR 1.78 and MPEP § 201.11.
- (c) <u>Statement Regarding Federally Sponsored Research and Development:</u>
  See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR1.71(g).

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- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc:

  The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

  Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (f) <u>Background of the Invention</u>: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under

    37 CFR 1.97 and 37 CFR 1.98: A description of the related art

    known to the applicant and including, if applicable, references to

    specific related art and problems involved in the prior art which are

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solved by the applicant's invention. This item may also be titled "Background Art."

- or general statement of the invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) <u>Detailed Description of the Invention</u>: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention

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described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

  There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual

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Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

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- (I) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431.

  The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.
- 4. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site http://www.uspto.gov in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

#### Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim 1 also recites the limitations "the right inside wall" in line 4; "the right and left side corners" in line7; "the top back wall" in lines 7-8; "the front" in line 9; "the back wall" in line 13. There is insufficient antecedent basis for these limitations in the claim. All limitations of a claim must be properly introduced for clarity between different limitations. See MPEP 2173.05(e).

#### Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kliot (US Pat No 5,509,589) in view of Stobbs, II et al., (US Pat No 6,561,329) and Speck (US Pat No 5,588,529).

With respect to claim 1, Kliot discloses a fabric pouch (Kliot Fig 1 reference number 10; see also column 4, lines 15-17) that allows for storage and safe keeping of a helmet (column 1, lines 66-67 and continued on column 2, line 1), and capable of storing a baseball/softball mitt and can be closed by a drawstring (Fig 6, reference number 58). Kliot also discloses a right inside wall (Fig 3 reference number 16 on the right side of reference number 26) with a second smaller pouch (Fig 3 reference number 12 on the right side), a back wall with left and right top corners (Fig 2 reference number 24 and Fig 4 generally) and a flap (Fig 6 reference number 38) folding forward over the front and is attached from the top back wall to provide privacy of contents and a method to keep the contents of the pouch clean. Kliot does not disclose two clasps attached by straps located on the right and left side corners of the top back wall, that the flap displays names or logos, a pouch located on the back wall or a carrying strap to connect both clasps making it convenient to carry. However, Stobbs discloses an athletic equipment bag with two clasps (Fig 3 reference number 70) attached by straps (column 3, lines 63-67 and column 4, lines 1-2) located on the right and left side corners of the top back wall, a pouch (Fig 6 reference number 28) located on the back wall and a carrying strap with clips (Fig 2 reference number 36) capable of connecting both

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clasps making the bag convenient to carry. Speck discloses a baseball equipment bag showing that names or logos can be displayed anywhere on the bag/pouch (Speck Fig 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the Kliot backpack to include two clasps attached by straps located on the right and left side corners of the top back wall to allow the bag to hang on a fence (Stobbs column 4, lines 1-2), a pouch located on the back wall for additional storage of equipment or gear (Stobbs column 3, lines 52-55), a carrying strap to connect both clasps making it convenient to carry and a name or logo on the flap for identification of the owner of the bag.

With respect to Applicant's reference to dimensions and size of the pouch and it's associated component parts, it would have been an obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to specify dimensions for the size of the pouch and its various parts for a particular use, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose, 105 USPQ 237 (CCPA 1955)*.

#### Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Comeau (US Pat No 4,693,402) discloses a sports pack with a drawstring closure. Fowler (US Pat No 5,975,293) discloses a sports bag for storing a baseball helmet and other baseball equipment.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Pollicoff whose telephone number is (571)272-7818. The examiner can normally be reached on M-F: 7:30A.M.-4:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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# Notice of References Cited Application/Control No. 10/710,546 Examiner Steven B. Pollicoff Applicant(s)/Patent Under Reexamination DEMOROTSKI, KIMBERLY KAY Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	Α	US-1,261,846 A	04-1918	Osgood, G.L.	383/61.4
*	В	US-3,225,806 A	12-1965	POLLAK VICTOR S; et. al.	206/315.91
*	С	US-4,693,402 A	09-1987	Comeau, Perry	224/604
*	D	US-4,805,748 A	02-1989	Gerch, Edward L.	190/103
*	E	US-4,951,818 A	08-1990	Johnson, Alan	206/315.1
*	F	US-4,974,709 A	12-1990	Furlow et al.	190/102
*	G	US-4,988,216 A	01-1991	Lyman, Philip C.	383/74
*	Н	US-5,480,023 A	01-1996	Puller, Alonzo L.	206/8
*	1	US-5,509,589 A	04-1996	Kliot, Eugene	224/637
*	J	US-5,588,529 A	12-1996	Speck, Michael W.	206/315.1
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